

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON**

MICHAEL L. CLEAVER,

Petitioner, : Case No. 3:07-cv-396  
-vs- : District Judge Walter Herbert Rice  
Chief Magistrate Judge Michael R. Merz

Deborah Timmerman-Cooper, Warden,

**Respondent.**

## ORDER ADOPTING REPORT AND RECOMMENDATIONS

The Court has reviewed the Report and Recommendations of United States Magistrate Judge Michael R. Merz (Doc. No. 5), to whom this case was referred pursuant to 28 U.S.C. §636(b), and noting that no objections have been filed thereto and that the time for filing such objections under Fed. R. Civ. P. 72(b) expired on August 15, 2008, hereby ADOPTS said Report and Recommendations.

It is therefore ORDERED that the Petition herein be dismissed as moot, without prejudice to any claims Petitioner may have with respect to the amended judgment in the Court of Common Pleas.

August 21, 2008.

Walter Herbert Rice  
United States District Judge